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7 Attorneys for Plaintiffs

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA

12 GIL CROSTHWAITE, et al. as Trustees of the
13 OPERATING ENGINEERS HEALTH AND
WELFARE TRUST FUND FOR NORTHERN
14 CALIFORNIA, et al.,

15 Plaintiffs,

16 v.

17 RYAN McCLURE EXCAVATION, INC.,

18 Defendant.

Case No.: C08-2403 JSW

PROOF OF SERVICE RE SUMMONS;

**DECLARATION RE DILIGENCE TO
EFFECT PERSONAL SERVICE;**

PROOF OF SERVICE BY MAIL

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ATTORNEY NAME Muriel B. Kaplan (SBN 124607)		TELEPHONE NO. (415) 882-7900	
Saltzman & Johnson Law Corporation 44 Montgomery Street, Suite 2110 San Francisco, CA 94104			
ATTORNEY FOR PLAINTIFFS			
COURT UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
SHORT NAME OF CASE OE3 v. Ryan McClure Exc.			
PROOF OF SERVICE	DATE:	TIME:	DEPT/DIV:
			CASE NUMBER: C08-2403 BZ

I am and was on the dates herein mentioned over the age of 18 years and not a party to this action:

I served the:

Summons; Complaint; Dispute Resolution Procedures in the Northern District of California; Order Setting Initial Case Management Conference and ADR Deadlines; Standing Orders; Alternative Dispute Resolution (ADR) Package; Notice of Assignment of Case to a United States Magistrate Judge for Trial, Consent, Declination; ECF Registration Handout.

Name: Ryan McClure Excavation, Inc.

Date of Delivery: 5/28/08

Time of Delivery: 5:45 pm

**Place of Service: 419 Hodson Road
Copperopolis, CA 95228**

Manner of Service: Personal Service – by handing documents to John Doe, a person who appeared to be in charge, at the office location (property) of Ryan McClure Excavation, Inc.

ADOPTED JUDICIAL COUNCIL FORM, RULE 982 (A) (23) I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed on May 29th, 2008 in San Francisco California.

Godspeed Courier Services, Inc.
2130 Folsom St.
San Francisco, CA 94110
(415) 821-1000

Signature: 
Name: Shawn Yackle
Title: RPS, San Francisco #999

PROOF OF SERVICE

ATTORNEY NAME MURIEL B. KAPLAN (SBN 124607) SALTZMAN & JOHNSON LAW CORPORATION 120 HOWARD STREET, #520 SAN FRANCISCO, CA 94105		TELEPHONE NO. (415) 882-7900	
ATTORNEY FOR Plaintiffs			
COURT UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA			
SHORT NAME OF CASE OE3 v. Ryan McClure Exc.			
DECLARATION RE DILIGENCE TO EFFECT PERSONAL SERVICE		DATE:	TIME:
		DEPT/DIV:	CASE NUMBER: C08-2403 BZ

I am and was on the dates herein mentioned over the age of 18 years and not a party to this action. I received the within process on May 12th, 2008 and that after due and diligent effort, I have been unable to effect personal service on the within named: **Ryan McClure Excavation Inc.**

**Business Address: 419 Hodson Road
Copperopolis, California 95228**

Dates and Times Attempted: 05/12/08 at 4:30 p.m. – Gate to property was locked. Construction equipment on property, but no other vehicles. Nobody seen working or near the two buildings in the distance. I called two different numbers for Ryan McClure Excavation and got voicemail only.

05/23/08 at 1:30 p.m. – No one on property to speak with. Spoke to a blonde woman near the location and she confirmed that the two buildings on the property were the residence and office of Ryan McClure. She knew of him and was able to give me a cell phone number. I called the number and received voicemail.

05/28/08 at 5:45 p.m. – Inside the office building on the property where Service was previously attempted, I was able to sub serve the documents to a man who would not identify himself as Ryan McClure, by handing them to him. His voice was the same as that on the voicemail for Ryan McClure.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed

On: June 4th, 2008

At San Francisco, California

Signature 

Name: Shawn Yackle

Title: Registered Process Server

County: San Francisco

Number: 999

Godspeed Courier Service
210 Folsom St.
San Francisco, CA 94110
(415) 821-1000

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7 Attorneys for Plaintiffs

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10 UNITED STATES DISTRICT COURT
11 FOR THE NORTHERN DISTRICT OF CALIFORNIA
12 (OAKLAND DIVISION)

13 GIL CROSTHWAITE, et al. as Trustees of the
OPERATING ENGINEERS HEALTH AND
14 WELFARE TRUST FUND FOR NORTHERN
CALIFORNIA, et al.,

15 Plaintiffs,

16 v.

17 RYAN McCLURE EXCAVATION, INC.,

18 Defendant.
19

Case No.: C08-2403 JSW

PROOF OF SERVICE

20 I, the undersigned, declare:

21 I am a citizen of the United States and am employed in the County of San Francisco, State
22 of California. I am over the age of eighteen and not a party to this action. My business address is
23 44 Montgomery Street, Suite 2110, San Francisco, California 94104.

24 On June 3, 2008, I served the following document(s):

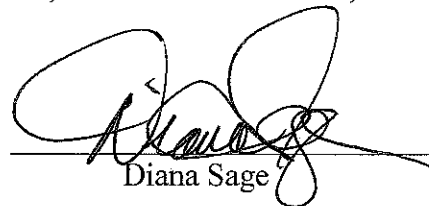
- 25
26 1) SUMMONS;
27 2) COMPLAINT;
28

- 1 3) DISPUTE RESOLUTION PROCEDURES in the NORTHERN DISTRICT of
- 2 CALIFORNIA;
- 3 4) ORDER SETTING INITIAL CASE MANAGEMENT CONFERENCE AND ADR
- 4 DEADLINES;
- 5 5) STANDING ORDERS;
- 6 6) INSTRUCTIONS FOR COMPLETION OF ADR FORMS REGARDING SELECTION
- 7 OF AN ADR PROCESS; STIPULATION AND [PROPOSED ORDER] SELECTING
- 8 ADR PROCESS; NOTICE OF NEED FOR ADR PHONE CONFERENCE; ADR
- 9 CERTIFICATION BY PARTIES AND COUNSEL;
- 10 7) NOTICE OF ASSIGNMENT OF CASE TO A UNITED STATES MAGISTRATE
- 11 JUDGE FOR TRIAL; CONSENT; DECLINATION;
- 12 8) ECF REGISTRATION INFORMATION HANDOUT.
- 13 9) PROOF OF SERVICE dated May 28, 2008

14 on the interested parties in said action by placing a true and exact copy of each document in a
15 sealed envelope with postage thereon fully prepaid, in a United States Post Office box in San
16 Francisco, California, addressed as follows:

17 **Ryan McClure Excavation, Inc.**
18 **419 Hodson Road**
19 **Copperopolis, California 95228**

20 I declare under penalty of perjury that the foregoing is true and correct and that this
21 declaration was executed on this 3rd day of June, 2008 at San Francisco, California.

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23
24 
Diana Sage